

Remarks

In the subject office actions, Claim 2 was objected to. Claims 41-60 were rejected under 35 USC §101 as being directed to non-statutory subject matter. Claims 5 -18, and 45 - 58 were rejected under 35 USC §112 as being indefinite. Claims 1-9, 11, 16 – 21, 23-27, 29 and 33 - 37 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0141401 to Albert et al. (hereinafter “Albert”). Claims 10, 12, 28 and 30 were rejected under 35 USC §103(a) as being unpatentable over Albert in view of U.S. Patent No. 4,298,933 to Shimokawa et al. (hereinafter “Shimokawa”). Claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert in view of U.S. Patent No. 5,852,630 to Harriman, Jr. (hereinafter “Harriman”). Claims 41-49, 51 and 56-60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert in view of U.S. Patent No. 4,298,933 to Langberg et al (hereinafter “Langberg”). Claims 50 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert in view of Langberg and further in view of Shimokawa.

Claims 13-15, and 53-55 were found to be allowable but for their dependence on rejected base claims and but for being indefinite under 35 USC 112, second paragraph. Claims 31 and 32 were found to be allowable but for their dependence on rejected base claims.

In response, claims 13, 31, and 53 have been canceled, and claims 1, 2, 5, 14, 15, 16, 21, 32, 41, 45, 54, 55 and 56 have been amended. Remaining and pending now are claims 1-12, 14-30, 32-52 and 54-60.

Applicant respectfully submits the amended claims overcome the objection and rejections. Thus withdrawal of the objection and rejections is respectfully requested.

Objections to Claims

On page 2 item 1 of the Office Action the Examiner states that claim 2 was objected to. In response claim 2 has been amended.

2: (Currently Amended) The method of claim 1, wherein applying an Active Rule to the received Packet includes:

 parsing a cached Rules Table, having a plurality of rules, to determine if a rule is pertinent to the received packet;

 if so, making the pertinent rule the Active Rule.

No new matter has been added. Accordingly, the Applicant respectfully submits the amended disclosure overcomes the objection and respectfully requests that the examiner withdraw the objection to claim 2.

Claim Rejections under 35 U.S.C. § 101

In “Claim Rejections – 35 USC §101” on page 2 of the above-identified Office Action, the Examiner rejects Claims 41 - 60 as being directed to non-statutory subject matter. More specifically, the Examiner asserts that the limitation of the apparatus of claims 41-60, “a storage medium having a plurality of machine accessible instructions” is non-statutory. In response, Applicants have canceled claim 53; and amended claims 41, and 54- 56, obviating the Examiner’s rejections. Support for the amendments can be found on page 13-14 of the specification. No new matter has been added.

Claim Rejections under 35 U.S.C. § 112

In “Claim Rejections – 35 USC § 112,” item 4 on page 2 of the above-identified Office Action, claims 5 – 18 and 45 - 58 have been rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention under 35 U.S.C. § 112, second paragraph. More specifically, the Examiner objects to:

Claims 5 and 45 which recite, “selecting a rule from a Rules Table” , the Examiner states “Since a Rules Table has already been introduced in the parent claims it is not clear whether the two incidences of “Rules Table” are referred to, are the same limitation or otherwise”;

In response, Applicants note there is only one incidence of “Rules Table” in claims 5, 45, and their parent claims. It is therefore clear that “Rules Table” is a limitation in claims 5 and 45.

Claims 5 and 45 for lack of antecedence, “access to the first Condition Set” and “access to the first Action Set”;

Claims 14 and 54 for being indefinite, “any Condition may be included...”; and

Claims 16 and 56 for not being clear regarding whether the two incidences of “accessing an action set” are referred to, are the same limitation or otherwise.

In response, Applicants have amended claims 5, 14, 16, 45 and 56 obviating the Examiner’s rejections; no new matter has been added.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 7–12, 14-18, 47-52 and 54-58.

Claim Rejections under 35 U.S.C. § 102(b)

On page 3 item 7 of the Office Action the Examiner states claims 1-9, 11, 16-21, 23 – 27, 29 and 33-37 are rejected under 35 U.S.C. § 102(b) as being anticipated by Albert.

In response, Applicants have amended claim 1 to include the recitations of allowable claim 13. Claims 2-9, 11, 16-20 depend from amended claim 1 incorporating its limitations. Thus, Applicants submits that Claims 1-9, 11, and 16-20 are in condition for allowance.

Applicants have amended claim 21 to include the recitations of allowable claim 31. Claims 23-27, 29 and 33-37 depend from amended claim 21 incorporating, its limitations. Thus, Applicants submits that claims 21, 23-27, and 33-37 are in condition for allowance.

Claim Rejections under 35 U.S.C. § 103(a)

1. On page 8 item 9 of the Office Action the Examiner states claims 10, 12, 28 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert in view of Shimokawa.

In response, Applicants have amended claim 1 to include the recitations of allowable claim 13. Shimokawa does not cure the deficiencies of Albert. Thus, claim 1 remains patentable over Albert even when combined with Shimokawa. Claims 10 and 12 depend from amended claim 1 incorporating its limitations. Thus, Applicants submits that Claims 10 and 12 are in condition for allowance.

Applicants have amended claim 21 to include the recitations of allowable claim 31. Shimokawa does not cure the deficiencies of Albert. Thus, claim 1 remains patentable over the cited USPA of Albert even when combined with the cited USP of Shimokawa. Claims 28 and 30 depend from amended claim 21 incorporating its limitations. Thus, Applicants submits that claims 28 and 30 are in condition for allowance.

2. On page 10 item 10 of the Office Action the Examiner states claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert.

In response, Applicants have amended claim 21 to include the recitations of allowable claim 31. Thus, claim 21 remains patentable over Albert. Claim 22 depends

from amended claim 21 incorporating its limitations. Thus, Applicants submits that claim 22 is in condition for allowance.

3. On page 10 item 11 of the Office Action the Examiner states 38 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert.

In response, Applicants have amended claim 21 to include the recitations of allowable claim 31. Thus, claim 21 remains patentable over Albert. Claim 38 depends from amended claim 21 incorporating its limitations. Thus, Applicants submits that claim 38 is in condition for allowance.

4. On page 11 item 12 of the Office Action the Examiner states claims 39 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert in view of Harriman.

In response, Applicants have amended claim 21 to include the recitations of allowable claim 31. Harriman does not cure the deficiencies of Albert. Thus, claim 21 remains patentable over Albert even when combined with Harriman. Claims 39 and 40 depend from amended claim 21 incorporating its limitations. Thus, Applicants submits that claims 39 and 40 are in condition for allowance.

5. On page 12 item 13 of the Office Action the Examiner states claims 41-49, 51 and 56-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert in view of Langberg.

In response, Applicants have amended claim 41 to include the recitations of allowable claim 53. Thus, claim 41 remains patentable over the Albert even when combined with Langberg. Claims 39 and 40 depend from amended claim 41 incorporating its limitations. Claims 41-49, 51 and 56-60 depend from amended claim 41 incorporating its limitations. Thus, Applicants submits that claims 41-49, 51 and 56-60 are in condition for allowance.

6. On page 16 item 14 of the Office Action the Examiner states claims 50 and 52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert in view of Langberg and further in view of Shimokawa.

In response, Applicants have amended claim 41 to include the recitations of allowable claim 53. Thus, claim 41 remains patentable over Albert even when combined with Langberg and with Shimokawa. Claims 50 and 52 depend from amended claim 41 incorporating its limitations. Thus, Applicants submits that claims 50 and 52 are in condition for allowance.

Allowable Subject Matter

On page 18 item 15 of the above-captioned office action, Examiner has rejected claims 13-15, and 53-55 under 35 USC 112 second paragraph, and indicated that these claims would be allowable if rewritten to overcome the rejection, including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for finding allowable subject matters. Independent claims 1, 21 and 41 have been amended with the recitations of claims 13, 31 and 53. The recitations of claims 13, 31 and 53 do not rely on the recitation of intervening claims. Thus, claims 1, 21 and 41 are allowable. Claims 13, 31 and 53 have now been cancelled. Claims 14 and 15 have been amended to be dependent directly from claims 1, claim 32 has been amended to be directly dependent from claim 21, and claims 54 and 55 have been amended to be directly dependent from claim 45.

Conclusion

As a result of the amendments made herein, Applicant submits that claims 1-12, 14-30, 32-52 and 54-60 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1518. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: August 17, 2007

/William A. Holmes/
William A. Holmes
Reg. No. 59,024

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: (503) 222-9981